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OFFICE OF PETITIONS

In re Application of :
Michael Robert Smialek :
Application No. 09/901,804 : DECISION GRANTING PETITION
Filed: 10 July, 2001 :
Att'y Docket No. 086328-9004 :

This is a decision on the petition filed on 17 October, 2001, requesting that the above-identified application be accorded a filing date of 10 July, 2001.

On 10 July, 2001, the application was filed.

On 28 August, 2001, Initial Patent Examination Division mailed a Notice to File Missing Parts stating that the application had been accorded a filing date of 11 July, 2001, and that the basic filing fee, and a surcharge for its late filing were required.

In response, on 17 October, 2001, the present petition was filed, accompanied by a copy of petitioner's postcard receipt, which itemizes the filing of, *inter alia*, 36 pages of specification, 5 pages of claims, and 38 sheets of drawings. The postcard identifies the application by inventor's name and invention title, and shows an Office date stamp of 10 July, 2001. Petitioners request that the application be accorded a filing date of 10 July, 2001.

A review of the record reveals that the application papers in the official file have an "Office date" stamp of 10 July, 2001.

Petitioners should note, when preparing future filings, that the postcard receipt should itemize the total number of pages of

specification (including written description, claims, and abstract) as a single figure.¹

In view of the above, the petition is granted. No petition fee has been charged and none is due.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 10 July, 2001.

Telephone inquiries should be directed to Petitions Attorney Douglas I. Wood at 703.308.6918.



Beverly M. Flanagan
Supervisory Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹MPEP 503.